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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JOHANNSEN, DIANA B

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restriction

1. A restriction is applied to pending claims 1-8 as follows:

Claims 1-8 encompass a multitude of different “genetic alterations” and combinations thereof -- see, specifically, claim 2, reciting the inversion, deletion, duplication, and insertion of nucleotides, as well as claims 4-5 and 8, which encompass the “single copy loss” of a multitude of different single nucleotide polymorphisms and combinations thereof which are set forth in Figure 12. Each such “genetic alteration” or combination of alterations possesses different structural and functional characteristics. The combinations are not, e.g., obvious variants that may be substituted one for the other, and a reference teaching one such alteration or combination would not anticipate or render obvious another such alteration or combination. Thus, the detection of each such genetic alteration/combination constitutes a distinct invention. Further, a search of more than one such alteration/combination would impose a serious burden, as each alteration/combination would require a search for a molecule with a different sequence and structure. Accordingly, **Applicant is required to elect an alteration or combination thereof from those set forth in dependent claims 2, 4-5, and 8.**

This is not an election of species. Applicant is advised that examination will be restricted to the elected alteration/combination.

2. Because these inventions are independent or distinct for the reasons given above and require different searches that are not co-extensive, examination of these distinct inventions would pose a serious burden on the examiner, and therefore restriction for examination purposes as indicated is proper.

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3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is

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571/272-0744. The examiner can normally be reached on Monday and Thursday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached at 571/272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Diana B. Johannsen
Primary Examiner
Art Unit 1634

3/6/06